

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TERRY PARHAM, )  
v. )  
Plaintiff, )  
RANDY ALLEN, et al. ) CIVIL ACTION NO. 2:06cv483-WHA  
Defendants. ) (WO)

**ORDER**

This cause is before the court on Defendant Randy Allen's Motion to Dismiss (Doc. # 6).

On July 11, 2006, Defendant, Randy Allen, filed a Motion to Dismiss on the grounds that the Plaintiff maintained the same claim concurrently in state court, thus rendering the present claim unnecessarily cumulative and unfairly prejudicial. Subsequent to this motion, the court ordered on July 13, 2006 that the Plaintiff show cause, if there be any, on or before July 27, 2006 why the motion should not be granted. Plaintiff has filed no response to this court's order.

Upon consideration of matters presently before the court in this case, it is hereby ORDERED as follows:

1. Defendant Randy Allen's Motion to Dismiss (Doc. #6) is GRANTED.
2. Defendant, Randy Allen, is DISMISSED as a party Defendant.
3. This case will proceed against the Defendant Mack Trucks, Inc., alone.

Done this 16th day of August, 2006.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE